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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/005,252	12/03/2001	Hawley K. Rising III	080398.P427	9370
8791 7590 11/24/2009 BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP 1279 OAKMEAD PARKWAY SUNNYVALE, CA 94085-4040			EXAMINER NGUYEN, HUY THANH	
			ART UNIT 2621	PAPER NUMBER
			MAIL DATE 11/24/2009	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

### Application No.

10/005,252

### Applicant(s)

RISING ET AL.

### Examiner

HUY T. NGUYEN

### Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 September 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 1-15, 17, 20-34 and 37-41 rejected under 35 U.S.C. 103(a) as being unpatentable over Crawford (5,805,784) in view of Etra (5,012,334) and Sezan et al (7,509,580).

Regarding claims 1, 21, 22, 23, 30-31 and 37-41, Crawford discloses an computer system (Fig. 1, column 1, lines 5-15) and a method for processing descriptions of audiovisual content (video game) (column 2, lines 35-60) column 39, line 40 to column 40, line 25), the apparatus method comprising:

creating means for creating a first description (story line) of audiovisual content (video game);

defining means for defining information pertaining to reuse of the first description (reusable sub-stories); and

storing means for storing the first description and the information pertaining to reuse of the first description in a repository of descriptive data to enable subsequent reuse of the first description to create a second description that describes a similar concept depicted in a new audiovisual content (column 4, lines 35-68).

Crawford fails to specifically teach using reuse information to create new audiovisual content that is different from the existing audiovisual content.

Etra discloses a control means using useable information (list, index and keyword) for creating a new audiovisual content that is different from the existing audio visual content (column 2, line 55 to column 5, line 15).

It would have been obvious to one of ordinary skill in the art to modify Crawford with Etra by using a control means and useable information as taught by Etra with the apparatus of Crawford for creating the a new audiovisual content that is f different from the existing audiovisual content thereby enhancing the capacity of the apparatus of Crawford in processing the audiovisual content .

Crawford as modified with Etra further teaches the second description including reference to the first description that is to be reused since Crawford as modified with Etra teaches using key words , index or menu as a reference for retrieving information and editing information.

Crawford as modified with Etra does not teach information indicating a type of information to be allowed (column 29, lines 45 to column 30, lines 45).

It would have been obvious to one of ordinary skill in the art to modify Crawford as modified with Etra with Suzan by providing the reuse information of Etra with information indicates a type of reuse is allowed thereby effectively using the reused information .

Further for claim 40 and 41, Crawford further teaches a readable computer medium encoded with a program since generating first description and reuse information under control by a computer.

Regarding claims 2, 20, 24 and 32, Crawford teaches the first description is a semantic description (column 4, lines 22-68).

Regarding claims 3, 25 and 33, Crawford teaches the method of claim 1 wherein the first description is a description scheme (column 4, lines 30-35).

Regarding claims 4, 26, and 34 , Crawford further teaches the information pertaining to reuse of the first description indicates whether the first description can be embedded into a second description of audiovisual content without changing an intended meaning of the first description (column 4, lines 35 39, column 5, lines 35-50)..

Regarding claims 5 and 27, Crawford further teaches the method of claim 1 wherein the information pertaining to reuse of the first description indicates whether the first description can be divided into a plurality of partial descriptions, each of the

plurality of partial descriptions being suitable for subsequent reuse (column 4, line 59 to column 5, line 15)..

Regarding claims 6 and 28, Crawford further teaches the information pertaining to reuse of the first description indicates whether the first description can be transformed when reused to create a second description of audiovisual content (column 4, lines 45-65).

Regarding claims 7 and 29, Crawford further teaches the information pertaining to reuse of the first description indicates whether the first description can maintain transitive capability if the first description is reused to create a second description of audiovisual content (column 4, lines 45-68).

Regarding claim 8, Crawford further teaches the method of claim 1 further comprising: reusing a plurality of descriptions stored in one or more repositories of descriptive data a number of times to provide de facto standardization of the plurality of descriptions by category (column 4, lines 45-68)..

Regarding claim 9, Crawford a method for reusing descriptions of audiovisual content (column 39, lines 28 to column 4, lines 25, column 44), the method comprising:

finding existing descriptive data that should be included in a new description of audiovisual content;

analyzing reuse information associated with the descriptive data; and

creating the new description using the existing descriptive data and the

associated reuse information ((column 1, lines 30- 47, column 3, lines 10-35, column 4, lines 40-68).

Regarding claim 10, Crawford further teaches the new description is a semantic description (column 4, lines 20-35).

Regarding claim 11, Crawford further teaches the new description is a description scheme. (column 4, lines 31-35). e (column 43, lines 4-25).

Regarding claim 12, Crawford further teaches the descriptive data is at least a portion of one or more existing descriptions of audiovisual content. (column 4, lines 45-68, column 5, lines 1015)..

Regarding claim 13, Crawford further teaches retrieving the descriptive data from one or more repositories of descriptive data (column 5, lines 1-15)Fig. 10) .

Regarding claim 14,. Crawford teaches the method of claim 9 wherein creating the new description further comprises:

converting the existing descriptive data into a partial description; and

mapping the partial description to the new description (column 4, line 55 to column 5, line39).

Regarding claim 15, Crawford teaches the method of claim 9 wherein creating the new description further comprises:

accessing a portion of the existing descriptive data in a repository of descriptive data; and mapping the portion of the existing descriptive data to the new description (column 4, lines 44-68).

Regarding claim 17, Crawford further teaches the method of claim 9 wherein creating the new description further comprises: including a reference to

the existing descriptive data into the new description (Plan history (column 6, lines 1-25).

3. Claims 16,18-19 and 35-36 rejected under 35 U.S.C. 103(a) as being unpatentable over Crawford in view of Etra and Sezan et al as applied above , further in view of in view of Official Notice

Regarding claims 16, 18-19 and 35-36, Crawford fails to teach using dictionary mapping of object in the description , mechanism for performing graph operations and the new description is created using an object oriented inheritance mechanism. However, it is noted that using dictionary mapping., mechanism for performing graph operations and the description is created using an object oriented inheritance graph is well known in the art. See specification page 21 of the present application . Therefore official notice is taken and it would it would have been obvious to one of ordinary skill in the art to modify Crawford by using dictionary mapping object , mechanism for performing graph operations and object oriented inheritance graph for the description as alternative method for creating the description.

#### ***Response to Arguments***

4. Applicant's arguments filed 18 September 2009 have been fully considered but they are not persuasive.

Applicant argues that the combination of Crawford and Etra does not teach the reuse information indicate what type of reuse that is allowed . In response, it is noted that the use of information indicate information that is allowed is known in the art as taught by Sezan. Since the claimed the reuse information are information can be save



for using with or modifying other information selected and created by a user, the claimed information meet the combination of Crawford, Etra and Sezan.

Applicant argues that Crawford as modified with Etra fails to teach that the second description includes a reference to the first description that is to be used. In response, it is noted the combination of Crawford and Etra teaches the second description includes a reference to the first description that is to be used since Crawford and Etra teach using index, title or key word as reference information to edit and create the audio visual information of a first description to a second description.

Further it is noted that using reuse information for editing is well known in the art. A writer or an editor can use a computer for storing the reuse information (summary, title, index, key words, images and or audio as references to edit and create the story of images and audio for each chapter of book or a book.

### ***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY T. NGUYEN whose telephone number is (571)272-7378. The examiner can normally be reached on 8:30AM -6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Q. Tran can be reached on (571) 272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/HUY T NGUYEN/  
Primary Examiner, Art Unit 2621